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C O N F I D E N T I A L SECTION 01 OF 02 TEL AVIV 000497

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SUBJECT: ISRAELI REQUEST FOR U.S. ASSISTANCE RESOLVING  
RAFAH ISSUES

Classified By: Ambassador Richard H. Jones; Reasons 1.4 (B) and (D).

1. (C) Summary and comment: The GOI has formally requested, via a February 1 letter, USG assistance in addressing Palestinian actions at Rafah that Israel believes violate the Agreement on Movement and Access (AMA), Agreed Principles for Rafah Crossing, and the Security Protocol. Many of these complaints were previously raised in the GOI's letter to the EU-Border Assistance Mission (EU-BAM) on January 22, as well as in various meetings and GOI public statements. The EU-BAM has been unable to resolve these issues and believes it has reached the limits of what they can achieve using the "international standards" language in the AMA. Israeli frustration has been growing and -- with the PLC elections behind us -- the GOI now wants to settle the issue as soon as possible. We will recommend a course of action in concert with ConGen Jerusalem and the U.S. Security Coordinator after meeting on February 3. End summary and comment.

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Formal GOI Complaints on Rafah  
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2. (SBU) In a letter from PM Foreign Policy Adviser Shalom Tourgeman to the Ambassador dated February 1 (faxed to NEA/IPA), Tourgeman requests USG assistance in addressing well-known Israeli complaints about the operation of the Rafah crossing. The letter claims that the problems stem from the PA's "refusal" to accept the Security Protocol. Tourgeman notes that the AMA "specified that supplemental agreements inter alia on security and customs implementation procedures and third party involvement must be concluded prior to the opening of the Rafah crossing point. As the Palestinians refuse to recognize the security requirements, the entire mechanism established for this purpose -- including the EU-BAM and the Joint Liaison Office -- cannot function properly."

3. (SBU) Tourgeman's letter lists seven alleged violations of the AMA framework. These complaints track closely with what the GOI has been telling the Embassy -- and the EU-BAM -- in private meetings and what they have been saying in public statements. The list includes points raised in a January 22 letter from COGAT commander MG Yossef Mishlev to the head of the EU-BAM, LTG Pietro Pistolese. According to Tourgeman:

-- PA forces are taking no action to prevent the transit of terrorists through Rafah despite receiving a list of individuals representing security problems.

-- The PA is failing to prevent illegal border crossings that bypass Rafah.

-- The PA has allowed individuals to transit Rafah after agreed operating hours and after EU-BAM representatives have left for the day.

-- The PA is not following procedures for the crossing of "excepted" individuals, i.e., non-Palestinian identity card holders, by failing to provide required information or to await a GOI response. In addition, the PA has broadened the use of "humanitarian cases" to move third-country nationals through Rafah, bypassing Kerem Shalom.

-- The PA maintains that the GOI has no role in determining procedures to prevent the movement of weapons and explosives through Rafah.

-- Notwithstanding efforts by the EU-BAM and USG, the Israeli liaison officers are not receiving "uninterrupted, complete and accurate real-time relay of camera feed and data" from Rafah. The discrepancy between real-time camera feed and delayed data transmissions "severely hinders" the prevention of crossings by persons the GOI considers to be terrorists. Palestinian liaison officers have allegedly been unwilling to address this issue.

-- The EU-BAM, while thus far helpful, is not taking a pro-active role to prevent illegal crossings or to confront Palestinian violations of the agreements.

4. (SBU) Tourgeman maintains that the current situation at Rafah "enables terror elements to strengthen their infrastructure in the Gaza Strip as well as enhance their

potential to increase capabilities in the West Bank." He concludes, "we expect the U.S. government will take the necessary measures to ensure that the agreements reached are fully implemented and respected. Israel wishes to continue working closely with the United States and the European Union with the aim of reaching the common goal of improving the efficacy of the Rafah border crossing and preventing terror."

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Resolving Rafah Problems and Re-Energizing the AMA  
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15. (C) Comment: While we have no means to judge the rounds for all the Israeli allegations, it is clear that the Rafah crossing is not functioning in full accordance with the AMA framework. Both the GOI and EU-BAM tell us that the Palestinians refuse to recognize the validity of the security protocol. The EU-BAM, while providing important assistance, has been unable to resolve these issues and believes that it has reached the limit of what it can achieve using the "international standards" language in the AMA. GOI frustration with the situation has been quickly growing while PA officials were engaged in election activities. Now that the election is in the past -- and with the prospect of a Hamas-led PA in the offing, the GOI clearly believes it is time to bring the issue to a head. The Ambassador, Jerusalem CG, and U.S. Security Coordinator plan to meet on February 3 to discuss the situation and will recommend a course of action.

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JONES